

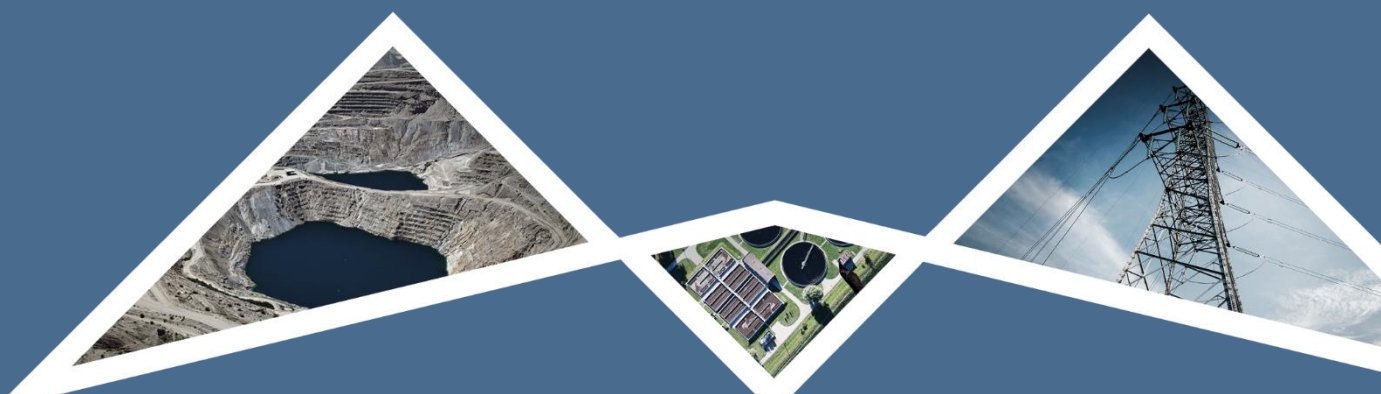


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T 011 789 7170 E info@eims.co.za W www.eims.co.za

PUBLIC PARTICIPATION REPORT

HARMONY MISPAH PIPELINES BAR





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	NAME	SIGNATURE	DATE
COMPILED:	Qaphela Magaqa	Sent Electronically	2023/05/26
CHECKED:	John von Mayer	Sent Electronically	2023/05/26
AUTHORIZED:	Liam Whitlow	Sent Electronically	2023/05/26

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Abbreviation List:

DFFE	Department of Forestry, Fisheries and the Environment
DWS	Department of Water and Sanitation (formerly DWA/DHSWS)
EA	Environmental Authorisation
EIA	Environmental Impact Assessment
EMPr	Environmental Management Programme
I&AP	Interested and Affected Party
NEMA	National Environmental Management Act
PPP	Public Participation Process
PPR	Public Participation Report
TSF	Tailings Storage Facility
LOM	Life of Mine
WUL	Water Use License
NWA	National Water Act



1 INTRODUCTION

Chemwes (Pty) Ltd also known as Mine Waste Solutions (hereafter referred to as the applicant) has appointed Environmental Impact Management Services (Pty) Ltd (EIMS) as the Environmental Assessment Practitioner (EAP) to assist with undertaking the required authorisation processes (including the statutory public participation), and to compile and submit the required documentation in support of application for:

- Environmental Authorisation (EA) in accordance with the NEMA- Listed activities:
 - Listing Notice 1: Activities 27 and 10.
 - Listing Notice 3: Activities 12 and 14.
- Water Use Licence (WUL) in accordance with the National Water Act – NWA (Act 36 of 1998) - Listed activity/ies:
 - Section 21 (c) and (i).

The applicant wishes to expand their reclamation activities to the Mispah 1 TSF through the construction of a reclamation pump station and installation of additional piping infrastructure to meet the planned Life of Mine (LoM) plan. The planned infrastructure will include a new process water and slurry pipeline and reclamation pump station. The infrastructure planned is a new 600mm slurry- and 500mm low-pressure process water pipelines of almost 9km from the East Pump Station to the Mispah 1 TSF Reclamation Pump Station. Both the slurry and process water pipeline to cross the Vaal River at Nologwa Bridge.

The proposed project is located on Mispah 274 (RE), Zuiping 394 (1), Chrystalkop 69(RE), Hoekplats 598 (RE), Modderfontein 440(4), Viljoenskroon RD 598 (RE), across the City of Matlosana Local Municipality and Moqhaka Local Municipality , North West and Free State provinces, respectively.

2 OBJECTIVES OF THE PUBLIC PARTICIPATION

South Africa, being one of the countries with the most progressive constitutions, enshrined the public's right to be involved in decisions that may affect them in its Constitution. Section 57(1) of the new Constitution that provides: "*The National Assembly may (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement*". This provision, along with several others gave rise to many new trends in South African legislation. In environmental legislation, the idea of public participation (or stakeholder engagement) features strongly and especially the National Environmental Management Act (Act 107 of 1998, NEMA) and the recent regulations passed under the auspices of this Act makes very strict provisions for public participation in environmental decision-making.

Public participation can be defined as..."*a process leading to a joint effort by stakeholders, technical specialists, the authorities and the proponent who work together to produce better decisions than if they had acted independently*"¹. From this definition, it can be seen that the input of the public is regarded as very important indeed.

The PPP is designed to provide sufficient and accessible information to Interested and Affected Parties (I&APs) in an objective manner to assist them to:

- During the Basic Assessment Process:
 - Verify that their issues have been recorded;
 - Comment on the findings of the environmental assessments; and

¹ Greyling, T. (1999) Towards Managing Environmental Disputes: Appropriate Public Participation. Prepared for Conference on Environmental Dispute Resolution 10-11 June 1998, Fourways, Gauteng, Manyaka Greyling Meiring (Pty) Ltd, South Africa



- Provide relevant local information and knowledge to the environmental assessment.

The PPP is a requirement of several pieces of South African Legislation and aims to ensure that all relevant I&APs are consulted, involved and their opinions are taken into account and a record included in the reports submitted to Authorities. The process ensures that all stakeholders are provided this opportunity as part of a transparent process which allows for a robust and comprehensive environmental study. The PPP for the necessary authorisation required for the Harmony Mispah Pipelines project needs to be managed sensitively and according to best practises in order to ensure and promote:

- Compliance with international best practice options;
- Compliance with national legislation;
- Establishment and management of relationships with key stakeholder groups; and
- Encouragement of involvement and participation in the environmental study and authorisation/approval process.

As such, the purpose of the PPP and stakeholder engagement process is to:

- Introduce the proposed project and process for the authorisation project;
- Explain the environmental authorisation;
- Determine and record issues, concerns, suggestions, and objections to the project;
- Provide opportunity for input and gathering of local knowledge;
- Establish and formalise lines of communication between the I&APs and the project team;
- Identify all significant issues for the project; and
- Identify possible mitigation measures or environmental management plans to minimise and/or prevent negative environmental impacts and maximise and/or promote positive environmental impacts associated with the project.

This Public Participation Report (PPR) lists all verbal and written issues raised by I&APs during the call to register period from 23 November 2022 to date. A breakdown of the PPP is given within the remaining sections of this PPR.

2.1 LEGAL COMPLIANCE

The PPP must comply with all environmental legislation that requires public participation as part of an application for authorisation or approval; namely, the National Environmental Management Act (NEMA, Act No. 107 of 1998).

Adherence to the requirements of the above-mentioned Act will allow for an Integrated PPP to be conducted, and in so doing, satisfy the requirements for public participation referenced in the Act. The details of the Integrated PPP are provided below.

3 IDENTIFICATION OF INTERESTED AND AFFECTED PARTIES (I&APS)

An initial I&AP database has been compiled from historic projects in the area and Windeed searches to obtain the contact details of the surrounding landowners. The I&APs referred to in the PPR include:

- Pre-identified and registered landowners and surrounding landowners;
- Pre-identified and registered key stakeholders;



- Regulatory authorities;
- Specialist interest groups; and
- All I&APs who responded to the initial notifications and requested to be registered.

Efforts to pre-identify key I&APs involved various avenues such as consultation with the proponent and known landowners within the study area, review of related previously conducted studies, and identification of key interest groups and authorities within the vicinity of the study area and municipality. Refer to Appendix 1 for the Key Stakeholder/I&AP Database.

All landowners whose properties are within the study area have been notified about the project via either fax, registered mail, SMS and/or email, where contact details are available. Refer to Appendix 2 for the landowner, key stakeholder, and I&AP written notifications.

3.1 LIST OF ORGANS OF STATE IDENTIFIED AND NOTIFIED

The following key I&APs, but not limited to, were notified of the proposed project and invited to participate in the public participation process:

- Commission on Restitution of Land Rights;
- Eskom Soc Ltd;
- Free State Department of Agriculture and Rural Development;
- Free State Department of Cooperative Governance and Traditional Affairs
- Free State Department of Mineral Resources and Energy;
- Free State Department of Police, Roads, and Transport;
- Free State Department of Public Works and Infrastructure;
- Free State Department of Small Business Development, Tourism and Environmental Affairs;
- Free State Department of Water and Sanitation;
- Free State Development Corporation
- National Department of Forestry, Fisheries and Environment;
- National Department of Human Settlements;
- National Department of Rural Development and Land Reform;
- National Department of Tourism;
- National Department of Transport
- National Department of Water and Sanitation;
- North West Department of Community Safety and Management;
- North West Department of Economic Development, Environment, Conservation and Tourism;
- North West Department of Minerals and Energy;
- North West Economic Development, environment, conservation, and Tourism;
- North West Parks Board;
- North West Wetland Forum
- SAHRA;
- South African National Road Agency; and
- Transnet;

3.2 LIST OF OTHER KEY I&APS IDENTIFIED AND NOTIFIED

- Directly Affected and Adjacent Landowners;
- Anglo Gold Ashanti;
- Harmony MOAB Khutsong Operations
- South Africa National Parks (SANPARKS)



- Ward councillors
- Endangered Wildlife Trust.

4 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES

This section provides details on the notifications that were distributed as part of the consultation process to date.

4.1 INITIAL NOTIFICATION OF KEY I&APS

The PPP commenced on the 23rd November 2022 with an initial call to register notification. Notification during this initial consultation was given in the manner described below.

4.1.1 REGISTERED MAIL, FAXES AND EMAILS

Notification letters in English and Setswana were distributed to pre-identified I&APS through either registered mail, faxes, and/or emails.

The notification documents included the following information:

- List of anticipated activities to be authorised;
- Sufficient detail of the proposed development to enable I&APS to assess/surmise what impact the development will have on them or on the use of their land;
- The purpose of the proposed project;
- Details of the application processes associated with proposed activities;
- Details of the affected properties (including a locality map);
- Details of the South African environmental legislation that must be adhered to;
- Contact details of the EAP.

Please refer to Appendix 2 for initial notification and proofs.

4.1.2 SITE NOTICE PLACEMENT

Five (5) A1 Correx site notices (in English and Setswana) were placed at 5 locations along, within and surrounding the perimeter of the proposed project study area on the 23 November 2022. The on-site notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of proposed project area;
- Project description;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix 3 for proof of site notice and site notice distribution.

4.1.3 NEWSPAPER ADVERTISEMENT AND GOVERNMENT GAZETTE NOTICE

Advertisements describing the proposed project and EIA process were placed in the Lentswe Newspaper (in English and Setswana) with circulation in the vicinity of the study area on the 2nd December 2022. A notice describing the proposed project was also placed in the National Gazette on the 02nd December 2022. The notices included the following information:



- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix 4 for proof of adverts placed.

4.2 NOTIFICATION OF REGISTERED INTERESTED AND AFFECTED PARTIES OF BAR AVAILABILITY

This subsection provides details on the public consultation carried out during the Basic Assessment Review period.

4.2.1 BASIC ASSESSMENT REPORT AVAILABILITY

Notification letters in English and Setswana were distributed to pre-identified and registered I&APS through either registered mail, faxes, and/or emails. The notification includes details regarding a high level overview of the report and where hard copies of the report can be accessed. A soft copy of the report was also made available at the EIMS website.

Contact details have been provided to I&APs if they require assistance accessing the information or require copies of the reports.

The BAR and associated appendices was made available for public review and comment from the 06th of March until the 05th of April 2023 at the Orkney Public Library. Please refer to Appendix 5 for proof of BAR availability notification.

4.3 SUMMARY OF PUBLIC PARTICIPATION OPPORTUNITIES

The table below provides a summary of the opportunities provided to I&APs for participation in the public participation process to date.

Table 1: Opportunities Provided for Public Participation

PUBLIC PARTICIPATION PHASE			
ACTION	DESCRIPTION	PUBLICATION/PLACE	DATE
Initial Call to Register	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via email, fax, and/or post.	23 November 2022
	Placement of site notices.	Five (5) A1 site notices (English and Setswana) within and around the study area (5 placement locations).	23 November 2022
	Newspaper advertisement and Government Gazette.	Notices were placed in the Lentswe Newspaper and the National Government Gazette in English and Setswana	02 December 2022



PUBLIC PARTICIPATION PHASE			
BAR Availability	BAR Availability Notification	Affected landowners and key I&APs were notified via email, fax, and/or post.	06 March 2023

5 NOTIFYING INTERESTED AND AFFECTED PARTIES OF THE DECISION

Interested and Affected Parties will be notified via either fax, registered mail, sms and/or email, where contact details are available of the decision once available including the appeal process should they wish to appeal the decision.

6 RECORD OF ISSUES RAISED

Comments on the proposed Harmony Mispah pipelines project were solicited from pre-identified and registered I&APs and key stakeholders. To date the following comments have been received:

- Request of a locality map and kml files of the proposed pipelines by SANRAL.
- DFFE Biodiversity Conservation Directorate stated that they had no objections to the project provided that recommendations of the Terrestrial Specialist are followed.
- DFFE Biodiversity Conservation Directorate stated that the project area falls within the Mispah Game Reserve and the Protected Area Directorate must be engaged in that regard.
- Enquiry on if and how the proposed project will be affecting Transnet railway lines.
- Applicant provided motivation for the delisting of the aforementioned protected area known as "Mispah Game Reserve"(Motivation letter attached)
- Correspondence with Department of Economic and Small Business Development, Tourism and Environmental Affairs (DESTEA) regarding the delisting of the protected area.

Please refer to Appendix 6 and Appendix 7 for comments or issues received.

7 CONCLUSIONS AND RECOMENDATIONS

The comments received during the initial call to register period and BAR Availability for Public Review period were used to inform the compilation of this PPR and the Final BAR. This report has been updated for submission to the competent authority, Department of Forestry, Fisheries and Fisheries (DFFE), following the 30-day public review period of the BAR.



APPENDIX 1

INTERSTED AND AFFECTED PARTIES DATABASE

Please note that in an effort to protect the personal information of the Registered I&AP's the contact information of the I&APs will not be made publicly available. Should you require access to this document for the purposes of fulfilling your obligations under the NEMA EIA Regulations or other lawful right, please feel free to contact the EIMS Information officer at 011 789 7170 or popia@eims.co.za



APPENDIX 2

PROOF OF INITIAL CALL TO REGISTER NOTIFICATION

Please note that in an effort to protect the personal information of the Registered I&AP's the contact information of the I&APs will not be made publicly available. Should you require access to this document for the purposes of fulfilling your obligations under the NEMA EIA Regulations or other lawful right, please feel free to contact the EIMS Information officer at 011 789 7170 or popia@eims.co.za



APPENDIX 3

SITE NOTICE PLACEMENT PROOF



APPENDIX 4

NEWSPAPER PLACEMENT AND GAZETTE NOTICE PROOF



APPENDIX 5

Proof of BAR Availability Notification



APPENDIX 6

TABLE OF CORRESPONDENCE



APPENDIX 7

CORRESPONDENCE DOCUMENT

Please note that in an effort to protect the personal information of the Registered I&AP's the contact information of the I&APs will not be made publicly available. Should you require access to this document for the purposes of fulfilling your obligations under the NEMA EIA Regulations or other lawful right, please feel free to contact the EIMS Information officer at 011 789 7170 or popia@eims.co.za
